

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICE LOUISE PSILOPOULOS,

Defendant.

No. 2:04-cr-000293 CKD

ORDER

On July 8, 2016, defendant Psilopoulos filed a “Petition for Dismissal,” (ECF No. 13), requesting that the court expunge her 2004 misdemeanor conviction for misappropriation of postal funds in violation of 18 U.S.C. Section 1711. The government has filed an opposition, and the court has carefully reviewed the matter. For the reasons set forth below, IT IS HEREBY ORDERED that defendant’s motion for expungement is denied.

A. Background

On October 5, 2004, defendant entered a guilty plea to the sole count of an information charging her with a misdemeanor violation of 18 USC Section 1711. Defendant was sentenced that day to probation for a period of 24 months, and was ordered to pay a \$500 fine, a \$25 special assessment, and \$30 in restitution. Defendant successfully completed her sentence, satisfying her

1 financial obligations, and serving her 24-month term of probation without incident.

2 On July 8, 2016, defendant filed a request with the court, utilizing a California state form
3 entitled "Petition for Dismissal," asking that her misdemeanor conviction be expunged.
4 Defendant states that she wishes to have her conviction expunged as she wants to seek part-time
5 employment.
6

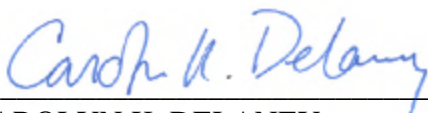
7 **B. Discussion**

8 This court does not have the authority to grant defendant's request. The Ninth Circuit has
9 held that "a district court does not have ancillary jurisdiction in a criminal case to expunge an
10 arrest or conviction record where the sole basis alleged by the defendant is that he or she seeks
11 equitable relief." United States v. Summer, 226 F.3d 1005, 1015 (9th Cir. 2000). As the court in
12 Summer observed, there is no statute allowing a district court to "reopen a criminal case after its
13 judgment has become final for the purpose of expunging a record of a valid arrest or conviction to
14 enhance a defendant's employment opportunities." Id.
15

16 **C. Conclusion**

17 For the foregoing reasons, defendant's Petition for Dismissal (ECF No. 13) is denied.
18 IT IS SO ORDERED.

19
20 Dated: July 22, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE